

Remarks

In the Claims

Claims 1-48 and 61-66 are currently pending in the application. Claims 49-60 and 67-69 are withdrawn from consideration. As discussed in greater detail below, Applicant has canceled claim 41, and has amended claims 1, 2, 3, 4, 17, 19, 20, 25, 26, 27, 28, 42, 43, 44, and 61. New claims 70-73 have been added. No new matter has been added.

Claim 1 as amended now recites a pump chamber in selective fluid communication with a hollow spike having a piercing end for piercing the cover of a first container, a mechanically operated spiking assembly for moving the cover of the first container toward the piercing end of the spike, and one or more microprocessor-based controllers for controlling the spiking of the first container and for detecting incomplete spiking of the first container. Support for these amendments can be found throughout the application as filed, and at least, for example, in paragraphs 0068, 0109, 0111, 0116, 0146 and 0157 of the published application.

Claim 2, which depends from claim 1, is amended to recite that a first tubing is coupled to a first port of the pump cassette, which is in selective fluid communication with the pump chamber. Claims 3, 4 and 17 are amended to depend from claim 2 rather than claim 1 directly. Claim 20 is amended to depend from claim 18 (which ultimately depends from claim 1), rather than claim 1 directly.

Claim 25 is amended to recite a pump chamber in selective fluid communication with a plurality of hollow spikes each having a piercing end for piercing the cover of a first container, a mechanically operated spiking assembly for moving the cover of the first container toward the piercing end of the spikes, and one or more microprocessor-based controllers for controlling the spiking of the first container and for detecting incomplete spiking of the first container. Support for these amendments can be found throughout the application as filed, and at least, for example, in paragraphs 0068, 0109, 0111, 0116, 0146 and 0157 of the published application.

Claim 26, which depends from claim 25, is amended to recite that a first tubing is coupled to a first port of the pump cassette, which is in selective fluid communication with the pump chamber. Claims 27 and 28 are amended to depend from claim 26, rather than claim 25 directly.

Claim 41 has been canceled. Claim 42 is therefore amended to recite that a second tubing is coupled to a second spike, and to depend from claim 25.

Claims 19 and 43 are amended to recite that a filter is coupled between the second spike and the second container of claim 42, rather than the fluid receptacle. Support for this amendment can be found at least, for example, at paragraphs 0021 and 0086 of the published application. Claim 44 is amended to depend from claim 42 (which depends from claim 25), rather than claim 25 directly.

Claim 61 is amended to recite that the kit comprises a pump cassette with a pump chamber and a port, a hollow spike, and a spike receptacle housing the spike, the spike receptacle being configured to be coupled to a spike assembly controlled by a microprocessor-based controller, the spike assembly being configured to couple with the spike receptacle and move the cover of the container into contact with the spike. Support for this amendment can be found at least, for example, in paragraph 0090 of the published application.

New claims 70 and 71 depend from claim 1 as amended, and new claims 72 and 73 depend from claim 25 as amended. The new claims further recite that the cover comprises a silicone-based septum (claims 70 and 72), or that the spiking assembly further comprises a pneumatically actuated bladder for moving the cover of the first container toward the piercing end of the spike (claims 71 and 73). Support for these claims can be found throughout the application as filed, and at least, for example in paragraphs 0080, 0139 and 0146.

Claim Objections

The Office Action objects to claim 41 for failing to further limit the subject matter of a previous claim. Claim 41 has been canceled, and the objection is therefore moot.

Rejections under 35 U.S.C. §103

The Office Action rejects claims 1-8, 11, 15-18, 20-24, 25-32, 35, 39-41, 42, 44-47, 61, 62, 63, 65, and 66 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,062,774 to Kramer et al. ("Kramer") in view of U.S. Patent No. 6,070,761 to Bloom et al. ("Bloom"). Applicant respectfully traverses.

Neither Kramer nor Bloom discloses an apparatus comprising a pump cassette having at least one pump chamber in selective fluid communication with a hollow spike having a piercing end for piercing the cover of a first container, a mechanically operated spiking assembly for moving the cover of the first container toward the piercing end of the spike, and one or more microprocessor-based controllers for controlling the spiking of the first container and for detecting incomplete spiking of the first container, as recited in claim 1 as amended. Similarly, neither Kramer nor Bloom discloses a pump chamber in selective fluid communication with a plurality of hollow spikes each having a piercing end for piercing the cover of a first container, a mechanically operated spiking assembly for moving the cover of the first container toward the piercing end of the spikes, and one or more microprocessor-based controllers for controlling the movement of the spiking assembly and for detecting incomplete spiking of the first container, as recited in claim 25 as amended. Also, neither Kramer nor Bloom discloses a kit comprising a pump cassette with a pump chamber and a port, a hollow spike, and a spike receptacle housing the spike, the spike receptacle being configured to be coupled to a spike assembly controlled by a microprocessor-based controller, the spike assembly being configured to couple with the spike receptacle and move the cover of the container into contact with the spike, as recited in claim 61 as amended. Claims 2-8, 11, 15-18, and 20-24 depend from claim 1, claims 26-32, 35, 39-40, 42, and 44-47 depend from claim 25, and claims 62, 63, 65, and 66 depend from claim 61; and as such these claims incorporate the inventive features of claims 1, 25 and 61 respectively. Neither reference cited by the Office Action, either alone or in combination, teaches or suggests, for example, a microprocessor-based controller for controlling the movement of the spiking assembly. Therefore, combining the disclosures of Kramer and Bloom cannot make claims 1-8, 11, 15-18, 20-24, 25-32, 35, 39-41, 42, 44-47, 61, 62, 63, 65, and 66 obvious. Withdrawal of the rejections of these claims under 35 U.S.C. §103(a) is respectfully requested.

The Office Action also rejects claims 9, 10, 33 and 34 under 35 U.S.C. §103(a) as being unpatentable over Kramer in view of Bloom, further in view of U.S. Patent No. 4,111,469 to Kavick (“Kavick”). Applicant respectfully traverses.

Claims 9 and 10 ultimately depend from claim 1, and claims 33 and 34 ultimately depend from claim 25. The dependent claims 9, 10, 33 and 34 therefore incorporate elements such as,

for example, one or more microprocessor-based controllers for controlling the spiking of the first container and for detecting incomplete spiking of the first container. As such, none of the references cited by the Office Action, either alone or in combination, suggest or teach all of the limitations of the claims. Therefore, combining the disclosures of Kramer, Bloom and Kavick cannot make claims 9, 10, 33 and 34 obvious. Withdrawal of the rejections of these claims under 35 U.S.C. §103(a) is respectfully requested.

The Office Action also rejects claims 12-14, and 36-38 under 35 U.S.C. §103(a) as being unpatentable over Kramer in view of Bloom, further in view of U.S. Patent No. 6,159,192 to Fowles et al. (“Fowles”). Applicant respectfully traverses.

Claims 12-14 ultimately depend from claim 1, and claims 36-38 ultimately depend from claim 25. The dependent claims 12-14 and 36-38 therefore incorporate elements such as, for example, one or more microprocessor-based controllers for controlling the spiking of the first container and for detecting incomplete spiking of the first container. As such, none of the references cited by the Office Action, either alone or in combination, suggest or teach all of the limitations of the claims. Therefore, combining the disclosures of Kramer, Bloom and Fowles cannot make claims 12-14 and 36-38 obvious. Withdrawal of the rejections of these claims under 35 U.S.C. §103(a) is respectfully requested.

The Office Action also rejects claims 19, 43 and 64 under 35 U.S.C. §103(a) as being unpatentable over Kramer in view of Bloom, further in view of U.S. Patent No. 5,116,316 to Sertic et al. (“Sertic”). Applicant respectfully traverses.

Claim 19 ultimately depends from claim 1, claim 43 ultimately depends from claim 25, and claim 64 ultimately depends from claim 61. The dependent claims 19, 43 and 64 therefore incorporate elements such as, for example, a microprocessor-based controller for controlling the spiking of the first container. As such, none of the references cited by the Office Action, either alone or in combination, suggest or teach all of the limitations of the claims. Therefore, combining the disclosures of Kramer, Bloom and Sertic cannot make claims 19, 43 and 64 obvious. Withdrawal of the rejections of these claims under 35 U.S.C. §103(a) is respectfully requested.

Conclusion

For the foregoing reasons all of the claims of the present invention are patentable over the art of record. It is believed that all of the claim rejections have been addressed and that the application is now in condition for allowance. Reconsideration of the claims and issuance of a notice of allowance are respectfully requested. If any matter arises for which an interview may expedite issuance of a notice of allowance, the Examiner is requested to call the undersigned, at the telephone number given below.

Applicant believes that a three-month extension of time is required, and requests that the associated extension fees be charged to Deposit Account No. 50-4383. Applicant also requests that any other fee required for timely consideration of this application be charged to Deposit Account No. 50-4383.

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Respectfully submitted,

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